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An Act ENROLLED SENATE BILL NO. 1541

By: Rosino and Bergstrom of the Senate

and Miller of the House

An Act relating to motor vehicles; allowing for operation of fully autonomous vehicles; stating conditions for operation; requiring submission of law enforcement interaction plan prior to operation; describing contents of plan; authorizing the Department of Public Safety to promulgate certain rules; requiring fully autonomous vehicles submit proof of financial responsibility of a certain amount; requiring vehicle to remain on the scene of certain accidents; requiring owner report certain accidents; allowing certain entities to operate on- demand autonomous vehicle network; making certain exception; requiring registration as an autonomous vehicle; requiring proper titling; requiring titling as an autonomous vehicle; allowing for operation of certain autonomous vehicles under certain conditions; allowing for human control of autonomous vehicles; allowing for operation of fully autonomous commercial vehicles; allowing fully autonomous vehicles certain equipment exemptions; providing for exclusions of fully autonomous vehicles and automated driving systems; authorizing the promulgation of rules; amending 47 O.S. 2021, Section 6-102, which relates to persons exempt; stating that an automated driving system is a licensed driver of the vehicle it is installed upon; amending 47 O.S. 2021, Section 1701, which relates to definitions; modifying definitions; defining terms; amending 47 O.S. 2021, Section 1702, which relates to state law preempting county and municipal laws; updating statutory language; providing for codification; and providing an effective date.

SUBJECT: Fully automated vehicles

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1703 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. A person, as defined in Section 1701 of Title 47 of the Oklahoma Statutes, may operate a fully autonomous vehicle on the public roads of this state without a human driver provided that the automated driving system is engaged and the vehicle meets the following conditions:

1. If a failure of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, the fully autonomous vehicle will achieve a minimal risk condition;
2. The fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state, unless an exemption has been granted by the Department of Public Safety or its designee; and
3. When required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of its manufacture it has been certified to be in compliance with all applicable Federal Motor Vehicle Safety Standards including reference to any exemption granted by the National Highway Traffic Safety Administration.

B. Prior to operating a fully autonomous vehicle on the public roads of this state without a human driver, a person shall submit to the Department of Public Safety a law enforcement interaction plan that contains, but shall not be limited to, information that describes:

1. How to communicate with a fleet support specialist who is available during the times the vehicle is in operation;
2. How to safely remove the fully autonomous vehicle from the roadway;
3. How to recognize whether the fully autonomous vehicle is in autonomous mode and steps to safely tow the vehicle; and
4. Any additional information the manufacturer or owner deems necessary regarding the hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.

C. The Department is authorized to promulgate rules regarding the contents of the law enforcement interaction plan described in subsection B of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1704 of Title 47, unless there is created a duplication in numbering, reads as follows:

Before operating a fully autonomous vehicle on public roads in this state without a human driver, a person shall submit proof of financial responsibility satisfactory to the Department of Public Safety that the fully autonomous vehicle is covered by insurance or proof of self-insurance of at least One Million Dollars (\$1,000,000.00) which shall satisfy the requirements of the Compulsory Insurance Law pursuant to Section 7-600 et seq. of Title 47 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1705 of Title 47, unless there is created a duplication in numbering, reads as follows:

In the event of an accident:

1. The fully autonomous vehicle shall remain on the scene of the accident when required by Section 10-107 or 10-108 of Title 47 of the Oklahoma Statutes, consistent with its capability under Section 1 of this act; and
2. The owner of the fully autonomous vehicle, or a person on behalf of the vehicle owner, shall report any accidents or collisions consistent with Section 10-107 or 10-108 of Title 47 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1706 of Title 47, unless there is created a duplication in numbering, reads as follows:

An on-demand autonomous vehicle network shall be permitted to operate pursuant to state laws governing the operation of transportation network companies, taxis, or any other ground transportation for hire of passengers, with the exception that any provision of the Oklahoma Transportation Network Company Services Act pursuant to Section 1010 et seq. of Title 47 of the Oklahoma Statutes that reasonably applies only to a human driver would not apply to the operation of a fully autonomous vehicle with the automated driving system engaged on an on-demand autonomous vehicle network.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1707 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. A fully autonomous vehicle shall be properly registered in accordance with the Oklahoma Vehicle License and Registration Act pursuant to Section 1101 et seq. of Title 47 of the Oklahoma Statutes. If a fully autonomous vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle.

B. A fully autonomous vehicle shall be properly titled in accordance with the Oklahoma Vehicle License and Registration Act. If a fully autonomous vehicle is titled in this state, the vehicle shall be identified on the title as a fully autonomous vehicle.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1708 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. A person may operate a motor vehicle equipped with an automated driving system capable of performing the entire dynamic driving task if:

1. Such automated driving system will issue a request to intervene whenever the automated driving system is not capable of performing the entire dynamic driving task with the expectation that the person will respond appropriately to such a request; and
2. The automated driving system is capable of being operated in compliance with Sections 11-101 through 11-1404 of Title 47 of the Oklahoma Statutes unless an exemption has been granted by the Department of Public Safety.

B. Nothing in this act prohibits or restricts a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the dynamic driving task.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1709 of Title 47, unless there is created a duplication in numbering, reads as follows:

A fully autonomous vehicle that is also a commercial motor vehicle pursuant to Sections 161A through 230.34b of Title 47 of the Oklahoma Statutes may operate pursuant to state laws governing the operation of commercial motor vehicles, except that any provision that by its nature reasonably applies only to a human driver does not apply to such a vehicle operating with the automated driving system engaged.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1710 of Title 47, unless there is created a duplication in numbering, reads as follows:

A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment laws or regulations of this state that:

1. Relate to or support motor vehicle operation by a human driver seated in the vehicle; and
2. Are not relevant for an automated driving system.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1711 of Title 47, unless there is created a duplication in numbering, reads as follows:

Unless otherwise provided in this title and notwithstanding any other provision of law, fully autonomous vehicles and automated driving systems are governed exclusively by this act. The Department of Public Safety and the Department of Transportation are authorized to promulgate administrative rules to implement the provisions of this act.

SECTION 10. AMENDATORY 47 O.S. 2021, Section 6-102, is amended to read as follows:

Section 6-102. A. A nonresident who is sixteen (16) years of age or older may operate a motor vehicle in this state as authorized by the class, restrictions, and endorsements specified on the license, if the nonresident is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; or
2. A member of the Armed Forces of the United States or the spouse or dependent of such member who has been issued and is in possession of a valid driver license issued by an overseas component of the Armed Forces of the United States.

B. A resident who is at least fifteen (15) years of age may operate a vehicle in this state without a driver license, if the resident is:

1. Operating a vehicle pursuant to subsection B of Section 6- 105 of this title; or
2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a Driver License Examiner of the Department of Public Safety or by a designated examiner approved and certified by the Department.

C. Any person, while in the performance of official duties, may operate any class of motor vehicle if the person possesses any class of valid Oklahoma driver license or a valid driver license issued by another state, if the person is:

1. A member of the Armed Forces of the United States who is on active duty;
2. A member of the military reserves, not including United States reserve ~~technician~~ technicians;
3. A member of the National Guard who is on active duty, including National Guard military technicians;
4. A member of the National Guard who is on part-time National Guard training, including National Guard military technicians; or
5. A member of the United States Coast Guard who is on active duty.

D. The Commissioner of Public Safety is hereby authorized to adopt rules as may be necessary to enter into reciprocity agreements with foreign countries. The rules shall specify that the driver license standards of the foreign country shall be comparable to those of this state. The rules shall also require foreign drivers, who are operating a motor vehicle in Oklahoma under such a reciprocity agreement, to comply with the compulsory motor vehicle liability insurance and financial responsibility laws of this state.

~~E. When an automated driving system, as defined by Section 1701 of this title, installed on a motor vehicle is engaged, the following shall apply.~~

- ~~1. The automated driving system is considered the driver or operator, for the purpose of assessing compliance with applicable traffic or motor vehicle laws, and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle; and~~
- ~~2. The automated driving system is considered to be licensed to operate the vehicle.~~

SECTION 11. AMENDATORY 47 O.S. 2021, Section 1701, is amended to read as follows:

Section 1701. As used in this act:

A. ~~"Driving automation system"~~ "Automated driving system or ADS" means hardware and software that are collectively capable of performing ~~part~~ the entire dynamic task on a sustained basis, ~~regardless of whether it is limited to a specific operational design domain. The term driving automation system is used generally to describe any system capable of level 1-5 driving automation, as specified in SAE International Recommended Practice J3016 including, but not limited to, core vehicle functions as listed in this section.~~

B. "Dynamic driving task" or "DDT" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints and including without limitation:

1. Lateral vehicle motion control via steering;
2. Longitudinal vehicle motion control via acceleration and deceleration;
3. Monitoring the driving environment via object and event detection, recognition, classification and response preparation;
4. Object and event response execution;
5. Maneuver planning; and
6. Enhancing conspicuity via lighting, signaling and gesturing.

~~C. "DDT fallback" means the response by the person or human driver to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance-relevant system failure(s) or upon operation design domain exit, or the response by an automated driving system to achieve minimal risk condition, given the same circumstances.~~

~~D. "Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a level 4 or 5 system under SAE J3016B.~~

~~E. "Human driver" means a natural person in the vehicle with a valid license to operate a motor vehicle who controls all or part of the dynamic driving task.~~

~~F. "Minimal risk condition" means a condition to which a person, human driver, or an ADS may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.~~

~~G. "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the transportation with fully autonomous vehicles for purposes of transporting passengers or goods including for-hire transportation and transportation of passengers or goods for compensation.~~

~~H. "Operational design domain" or "ODD" means operating conditions under which a given automated driving system is specifically designed to function including, but not limited to, environmental, geographical, and time-of-day restrictions, and the requisite presence or absence of certain traffic or roadway characteristics.~~

~~I. "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.~~

~~J. "Request to intervene" means notification by an automated driving system to a human driver that the human driver should promptly begin or resume performance of part or all of the dynamic driving task.~~

~~K. "SAE J3016B" means the Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles published by SAE International in June 2018.~~

SECTION 12. AMENDATORY 47 O.S. 2021, Section 1702, is amended to read as follows:

Section 1702. A. Only the State of Oklahoma may enact a law or take any other action to regulate the operation of motor vehicles equipped with ~~driving automation~~ ~~automated driving~~ systems in Oklahoma.

B. Pursuant to subsection A of this section, the State of Oklahoma:

1. Preempts the authority of a county or municipality to prohibit, restrict or regulate the operation of motor vehicles equipped with ~~driving automation~~ ~~automated driving~~ systems on the basis of those vehicles being equipped with ~~driving automation~~ ~~automated driving~~ systems; and
2. Supersedes any existing law or ordinance of a county or municipality that prohibits, restricts or regulates the testing or operation of motor vehicles equipped with ~~driving automation~~ ~~automated driving~~ systems.

SECTION 13. This act shall become effective November 1, 2022.